



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Krbechek, Randolph, sole practitioner (for Petitioner Susan Hose)

Petition for Termination of Probate Proceedings and for Discharge of Personal Representative (Probate Code § 12251)

| | | | | |
|--------------------------|---------------|--|--|---------|
| DOD: 1/12/2001 | | <p>SUSAN HOSE, spouse and Administrator appointed with full IAEA without bond on 7/3/2001, is Petitioner.</p> <p>Petitioner submits her petition for termination of proceedings, alleging there is no property of any kind belonging to the estate and subject to administration, based upon the following:</p> <ul style="list-style-type: none"> Dedecent was survived by 3 children: SEAN HOSE, son, ELLEN RUSSELL, daughter, and WINTER HOSE, son, all of whom were over age 18 at the time of Decedent's death; Decedent was involved in a farming business at the time of his death, Finca Del Rio Properties, and when probate administration was commenced, Petitioner believed her late husband had an ownership business in the farming properties and/or farming business; They subsequently learned that Finca Del Rio Properties was owned by Decedent's parents, WILLIAM R. HOSE, SR., and DORIS HOSE; At the time of Decedent's death, Decedent was also involved in loan restructuring discussions with Bank of America, which institution required letters of administration as a condition to providing information regarding the loan restructuring; There were no assets in Decedent's estate that required probate administration, and Petitioner undertook no actions in the administration in the administration of the estate; the estate is in a condition to be closed; <p align="center">~Please see additional page~</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Order on Court Fee Waiver filed on 11/7/2014 shows Petitioner's fee waiver request was denied. Therefore, Petitioner owes the \$435.00 filing fee, which Court records indicate has not been paid to date, and which must be paid prior to issuance and processing of a final order for closing this estate. Proof of Service by Mail of the Notice of Hearing filed 10/29/2014 shows notice to ELLEN RUSSELL, who is not listed in the initial <i>Petition for Probate</i> filed 6/7/2001. Need clarification as to whether ELLEN BAILEY named in the initial <i>Petition</i> is the same person as ELLEN RUSSELL. Need proof of service of Notice of Hearing to the following persons listed in the initial <i>Petition for Probate</i> filed 6/7/2001: <ul style="list-style-type: none"> JENNIFER HOSE, daughter; <i>[Note: Siblings of Decedent listed in the Petition for Probate filed 6/7/2001 need not be sent notice of this hearing.]</i> | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| ✓ | Aff.Mail | | | W/ O |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input type="checkbox"/> | Letters | | | 070301 |
| <input type="checkbox"/> | Duties/S | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| ✓ | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | <p>Reviewed by: LEG</p> <p>Reviewed on: 12/4/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1 – Hose</p> | | |

Petitioner states, continued:

- Petitioner is not aware of any creditor's claims being submitted or filed; there are no assets to use for payment;
- No inventory was filed; the estate did not hold any properties, real or personal, that were subject to probate administration;
- All costs of administration have been paid;
- Due to the lack of an estate, no fees, commissions, bond fee or certification fee is requested;
- Also due to the lack of an estate, Petitioner requests that she be discharged as administrator of the Decedent's estate;
- As the estate is now over 13 years old with no creditors and no assets, Petitioner believes that filing this *Petition for Termination* is the most efficient and appropriate manner in which to conclude this probate.

Petitioner prays for an Order:

1. Terminating the probate proceeding; and
2. Discharging the personal representative.

Order to Show Cause Re: Failure to Appear; Imposition of an Additional \$500 in Sanctions

| | | |
|----------------------|---|--|
| DOD: 08/27/05 | ARTHUR O'BRIEN, JR. , son, was appointed as Executor without bond on 11/15/05 (Order signed 07/14/06). Letters were issued on 07/19/06. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | Notice of Status Hearing filed 11/22/13 set the matter for a status hearing regarding failure to file an Inventory & Appraisal and failure to file a Final Account and Petition for Distribution on 02/28/14. | As of 12/04/14, sanctions have not been paid and nothing further has been filed by Ruth Ratzlaff. |
| | | |
| Cont. from | The 02/28/14 status hearing was continued to 05/09/14. Minute Order from 05/09/14 states: No appearances. The Court notes that this is the second continuance without an appearance by Ruth Ratzlaff. Matter is continued to 06/23/14. Ruth Ratzlaff is ordered to be personally present on 06/23/14. The Court will consider issuing an order to show cause if there is no appearance by counsel at the next hearing. (Copy of Minute Order was mailed to Ruth Ratzlaff on 05/16/14). | |
| Aff.Sub.Wit. | | |
| Verified | Ruth Ratzlaff did not appear at the hearing on 06/23/14. The Court on its own motion removed Arthur O'Brien, Jr. as Executor and appointed the Public Administrator. The Court set the matter for an order to show cause on 10/23/14 re failure to appear, failure to timely proceed with the matter, and re imposition of sanctions in the amount of \$500.00. Ruth Ratzlaff was ordered to be personally present on 10/23/14. (Copy of the 06/23/14 minute order and Order to Show Cause were mailed to Ruth Ratzlaff on 06/27/14). | |
| Inventory | | |
| PTC | Letters of Administration with will annexed were issued to the Public Administrator on 08/05/14. | |
| Not.Cred. | | |
| Notice of Hrg | Inventory & Appraisal, final filed 09/19/14. | |
| Aff.Mail | | |
| Aff.Pub. | Minute Order from hearing on 10/23/14 states: The Court notes that Ruth Ratzlaff is not present. As to Ruth Ratzlaff, the Court imposes sanctions of \$500.00. Sanctions are ordered to be paid by 12/11/14. The Court sets the matter for an Order to Show Cause on 12/11/14 regarding Ruth Ratzlaff's failure to appear, and imposition of an additional \$500.00 in sanctions. (Copy of the OSC and Minute Order mailed to Ruth Ratzlaff on 10/24/14). | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

Reviewed by: JF

Reviewed on: 12/04/14

Updates:

Recommendation:

File 2 – O'Brien

Atty LeVan, Nancy J. (for I'isha Cooley, conservator of the person)
 Atty Farmer, C. Michael (for former conservator Ruby Jones)
 Atty Kruthers, Heather H (for Public Guardian, conservator of the estate)
 Probate Status Hearing Re: Review Blocked Account

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|---------------|--|--|
| Age: 71 | <p>PUBLIC GUARDIAN was appointed successor conservator of the estate and I'ISHA COOLEY, daughter, was appointed successor conservator of the person on 9/25/14.</p> <p>RUBY JONES, sister, former conservator of the person and estate away on 6/5/14 leaving a vacancy.</p> <p>Court Investigator Charlotte Bien's Report filed on 9/23/14.</p> <p>Minute order dated 9/25/14 set this status hearing regarding the blocked account.</p> <p>Status Report for Review Hearing for the Blocked Account filed by the Public Guardian on 12/1/14 states the Public Guardian has researched the matter of the blocked account. The blocked account was transferred to a new unblocked account by the Educational Employee's Credit Union in 2012 at the former conservator's request, and it appears the money was used by the conservator for the conservatee's care at the sub-acute facility where he is being treated. The conservator took a petition to the bank, and they to that as a court order so they cancelled the blocked account and transferred the money to an unblocked account. The Public Guardian believes that the bank now realizes they should not have done that, but all indications are that the money was used for his care.</p> <p>The Public Guardian has applied for Medi-Cal on the conservatee's behalf and is paying a share of cost to the facility. The funds were over \$100,000, but the private pay for his care was \$16,000 per month so the funds did not last long.</p> <p>The Public Guardian asserts that although there were inappropriate actions taken by both the former conservator and the bank, there was no resulting harm to the conservatee's estate.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> |
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| | | |
| Cont. from | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

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|----------------------|
| Reviewed by: KT |
| Reviewed on: 12/4/14 |
| Updates: |
| Recommendation: |
| File 3 - Cooley |

Atty Barron, Richard B., sole practitioner of Visalia (for Petitioner Perine & Dicken, Conservator)

(1) Report of Conservator and Petition to Settle Third Account Current, and for (2) Allowance of Fees and Costs of Conservator's Counsel

| | | | |
|---------------|---------------|--|--|
| Age: 53 years | | PERINE & DICKEN PROFESSIONAL FIDUCIARIES AND CONSERVATORS , Conservator of the Person and Estate appointed 9/15/2010, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: Note: Court will set Status Hearings as follows: <ul style="list-style-type: none"> Thursday, January 15, 2015 at 9:00 a.m. in Dept. 303 for filing proof of increased bond; Note: This date has been inserted into the proposed order in the space provided by the Petitioner for the due date of filing proof of the additional bond. and <ul style="list-style-type: none"> Monday, October 31, 2016 at 9:00 a.m. in Dept. 303 for filing of the Fourth Accounting. Note: This date has been inserted into the proposed order in the space provided by the Petitioner for the due date of filing the Fourth Account. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required. |
| | | | |
| Cont. from | | Account period: 1/12/2012 - 8/31/2014 | |
| | Aff.Sub.Wit. | Accounting - \$64,015.27 | |
| ✓ | Verified | Beginning POH - \$46,007.67 | |
| | Inventory | Ending POH - \$59,301.86 (\$15,344.94 is cash) | |
| | PTC | Conservator - Not requested (paid by State Compensation Insurance Fund outside of conservatorship estate as a benefit to the Conservatee) | |
| | Not.Cred. | Attorney - \$2,510.00 (per itemization attached as Exhibit D; for 21.30 hours @ paralegal rate of \$90/hour and attorney rates of \$235/hour and \$250/hour; includes Courtcall charge) | |
| ✓ | Notice of Hrg | Bond - \$60,000.00 (insufficient; should be increased to \$76,000) | |
| ✓ | Aff.Mail | Petitioner requests: | |
| | Aff.Pub. | <ul style="list-style-type: none"> The Court accept the resignation of CHRISTOPHER KENNEDY, who resigned as Co-Conservator on 11/15/2013 (copy of resignation attached as Exhibit A), and that he be released and exonerated from further responsibility as Co-Conservator. Pursuant to Probate Code 2320 and Rule of Court 7.207, the Court increase the required bond of the Trustee to \$76,000.00, based upon Conservatee's property currently on hand and anticipated income [consisting of Conservatee's total disability benefit lifetime annuity in monthly payments from State Compensation Insurance Fund due to work-related brain injury]. | |
| | Sp.Ntc. | ~Please see additional page~ | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| ✓ | CI Report | | |
| ✓ | 2620 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: LEG Reviewed on: 12/8/14 Updates: Recommendation: File 4 – Adona |

Petitioner prays for an order:

1. Approving allowing and setting the Third Account;
2. Confirming and approving all acts and transactions of the Conservator during the account period relating to the conservatorship; and
3. Finding the Attorney fees in the amount of **\$2,510.00** for legal services rendered are just and reasonable and should be paid from the Conservatorship estate;
4. Increasing the bond to **\$76,000.00**; and
5. Accepting the resignation of Christopher Kennedy and discharging and exonerating him from any further duty and responsibility as Co-Conservator.

Court Investigator Julie Negrete's Report was filed 8/26/2014.

(1) Fourth Amended First Account and Report of Conservators; and (2) Petition for Allowance of Fees to Attorney for Conservators

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|--|----------------------|--|--|
| Age: 41 years | | MANUEL CHAVEZ , father, and SUSAN CHAVEZ-LEON , sister, Co-Conservators of the Person and Estate, are Petitioners. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| Cont. from 090914, 100714, 111314 | | <u>Account period: 11/26/12 - 11/30/13</u> | Continued from 11/13/14. Minute order states a Fifth Amended Accounting is to be filed no later than 11/26/14. As of 12/4/14 the fifth amended account has not been filed. |
| <input type="checkbox"/> | Aff.Sub.Wit. | Accounting - \$300,390.47 | |
| <input checked="" type="checkbox"/> | Verified | Beginning POH - \$238,464.60 | Declaration of Attorney filed on 12/4/14 states she has prepared the fifth amended account however she has been unable to obtain the signature of co-conservator Manuel Chavez because he has been on an out of the country cruise. He is scheduled to return to Fresno on 12/22/14. |
| <input type="checkbox"/> | Inventory | Ending POH - \$235,215.30 (\$8,553.99 is cash) | |
| <input type="checkbox"/> | PTC | Conservator - not requested | 1. Petition was not signed or verified by co-conservator Susan Chavez-Leon. Probate Code §1020 requires an accounting be signed by all persons making the account. |
| <input checked="" type="checkbox"/> | Not.Cred. | Attorney - \$6,625.00 (per declaration and itemization, for 25.00 hours (reduced from 36.90 hours) @ \$265.00 per hour;) | |
| <input checked="" type="checkbox"/> | Aff.Mail | Costs - \$1,035.00 (filing fees, process service fee; certified copies) | 2. Corrected Inventory and Appraisal was not signed by Susan Chavez-Leon. |
| <input type="checkbox"/> | Aff.Pub. | Bond - \$324,640.00 (sufficient) | |
| <input type="checkbox"/> | Sp.Ntc. | Petitioner prays for an order: | 3. Bank account #XXX0433 is in the name of Manuel Chavez and not the conservatorship. California Rules of Court, Rule 7.1059(b)(6) states the conservator of the estate must keep the money and property of the estate separate from the conservator's or any other persons money or property. |
| <input type="checkbox"/> | Pers.Serv. | 6. Approving, allowing, and settling the [First] Account and acts of Co-Conservators; and | |
| <input type="checkbox"/> | Conf. Screen | 7. Authorizing the Attorney fees and costs advanced to the Conservatorship during the accounting period; and | 8. Finding that the Conservatee is not able to complete an affidavit of voter registration and is not entitled to vote. |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input checked="" type="checkbox"/> | 2620 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | Court Investigator Charlotte Bien's Report filed 9/8/2014. | Reviewed by: KT |
| | | | Reviewed on: 12/5/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 5 - Chavez |

4. Bank statement for account #XXX0433 for the month of November 2013 includes a lot of withdrawals for items not included on the disbursement schedule, such as; Taco Bell, Red Carpet Car Wash, Save Mart, Chinese BBQ, Office Depot, Subway, Casa Corona, Jack In the Box, etc. Need clarification.
5. Petition asks for attorney fees totaling **\$6,625.00**. Attorney fees appear to include duplication of work by the attorney and the paralegal. For instance billing statement includes time for the attorney to prepare all the pleadings and also for the paralegal to prepare all the pleadings. The billing statement includes .30 hours (\$79.50) for the attorney to prepare the Duties of Conservator. In addition the billing statement also includes paralegal time of .20 (\$5.00) to prepare the same form. The only thing that needs to be prepared on the Duties of Conservator form is the case name and case number. The billing statement also includes time to prepare a Petition for Exclusive Authority to Give Medical Treatment that was filed at the same time as the Petition for Appointment of Conservator. This was an unnecessary petition in that the request can be made in Petition for Appointment of Conservator. The fees also include time for the preparation of the first amended petition.
6. Need original care facility statements for Sierra Vista Skilled Nursing Facility. Probate Code §2620(c)(5). Note: A Resident Account Report from Sierra Vista Health Care was filed on 7/30/14 however, the copy is not legible.

Note: Court will set status hearing as follows:

- **Wednesday, January 27, 2016 at 9:00 a.m. in Dept. 303 for the next accounting.**

Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.

(1) First and Final Account and Report of Administrator and Petition for Its Settlement, (2) for Allowance of Attorney Fees and (3) for Final Distribution

| | | | |
|-------------------------------------|-------------------------|--|----------------------------------|
| DOD: 04/15/13 | | GEORGE ELIOPULOS , Administrator, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | Account period: 04/15/13 – 10/08/14 | |
| Cont. from | | Accounting - \$72,338.55 | |
| <input type="checkbox"/> | Aff.Sub.Wit. | Beginning POH - \$69,447.03 | |
| <input checked="" type="checkbox"/> | Verified | Ending POH - \$49,071.37 | |
| <input checked="" type="checkbox"/> | Inventory | (\$37,071.37 is cash) | |
| <input checked="" type="checkbox"/> | PTC | Administrator - waived | |
| <input checked="" type="checkbox"/> | Not.Cred. | Attorney (statutory) - \$2,853.54 | |
| <input checked="" type="checkbox"/> | Notice of Hrg | Closing - \$1,500.0 | |
| | Aff.Mail | Distribution, pursuant to Decedent's will and assignments of interest of residual beneficiaries, is to: | |
| | Aff.Pub. | James J. Eliopulos - \$2,000.00 | |
| | Sp.Ntc. | Chris J. Eliopulos - \$6,143.57 | |
| | Pers.Serv. | Alex J. Eliopulos - \$6,143.57 | |
| | Conf. Screen | George J. Eliopulos - \$6,143.57 | |
| | Letters 06/25/13 | John J. Eliopulos - \$6,143.56 | |
| | Duties/Supp | Shirley Peters - \$6,143.56 | |
| | Objections | plus a 2010 Chevy Impala | |
| | Video Receipt | | |
| | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| | Aff. Posting | | Reviewed by: JF |
| | Status Rpt | | Reviewed on: 12/05/14 |
| | UCCJEA | | Updates: |
| | Citation | | Recommendation: SUBMITTED |
| <input checked="" type="checkbox"/> | FTB Notice | | File 6 –Eliopulos |

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

| | | |
|--------------------------|---|---|
| DOD: 02/26/13 | <p>SHAWN MURPHY, son, was appointed as Administrator with full IAEA and without bond on 07/11/13.</p> <p>Inventory & Appraisal, Final, filed 02/28/14 - \$254,436.39</p> <p>Inventory & Appraisal, Supplemental, filed 03/25/14- \$2,910.60</p> <p>Status Report filed 12/03/14 states: one vehicle was sold in September 2014. The Administrator has completed forms and requested liquidation of the stock held by the estate, but has not received a check from the stock transfer agent yet. Administrator and his sister, the other beneficiary of the estate, had agreed that the motor home be donated to Breast Cancer Awareness, however the charity requested improvements and repairs that would be an additional expense to the estate. The Administrator has contacted other charities about possible donation of the motor home, but has been told that it is too old and/or required too much work. The Administrator is now investigating junking the motor home or making an arrangement with Pick-A-Part. Once these matters have been completed, the Administrator will file a petition for distribution.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need Account/Report of Administration and Petition for Final Distribution.</p> |
| Cont. from 091214 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
| PTC | | |
| Not.Cred. | | |
| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

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|------------------------------|
| Reviewed by: JF |
| Reviewed on: 12/04/14 |
| Updates: |
| Recommendation: |
| File 7 - Murphy |

Atty Walters, Jennifer L. (Petitioner/Court appointed for Conservatee)

Atty Kruthers, Heather H (for Conservator/Public Guardian)

Petition for Payment of Attorney's Fees

| | | |
|-------------------|--|--|
| Age: 87 years | JENNIFER WALTERS , petitioner was Court appointed to represent the Conservatee on 1/3/14. | NEEDS/PROBLEMS/COMMENTS: |
| | | |
| | | 1. Need proof of service of the Notice of Hearing on: a. Public Guardian (conservator) b. Lizibet E. Rousseau (conservatee) |
| | | |
| Cont. from 110614 | PUBLIC GUARDIAN was appointed Conservator of the Person and Estate on 8/26/14. | 2. Order Appointing Jennifer Walters as Counsel states "This order is only effective as to the above named attorney and no other attorney may serve it his or her place." Fee request includes time charged for attorney Lisa Horton (2.40 hours @ \$225.00 per hour for a total of \$540.00), time charged for an unknown person with the initials CE (.40 hours @ \$145.00 per hour for a total of \$58.00) and another unknown person with the initials JRL (.40 hours @ \$55.00 per hour for a total of \$22.00). Court may require clarification. |
| Aff.Sub.Wit. | | |
| ✓ Verified | Petitioner requests fees in connection with the representation of the Conservatee for (1) the son, Albert Rousseau's petition for appointment of Conservator and (2) the subsequent petition of the Public Guardian to be appointed conservator. | 3. Request for fees includes mileage totaling \$10.08. Mileage is considered a cost of doing business and is not reimbursable. |
| Inventory | | |
| PTC | | Please see additional page. |
| Not.Cred. | | |
| ✓ Notice of Hrg | Petitioner asks that she be paid from the conservatorship estate for 17.5 hours @ \$245.00 per hour for herself, 3.2 hours for others ranging from \$55.00 per hour to \$225.00 per hour for a total of \$4,917.58. | Reviewed by: KT |
| Aff.Mail | X | Reviewed on: 12/5/14 |
| Aff.Pub. | | Updates: |
| Sp.Ntc. | | Recommendation: |
| Pers.Serv. | | File 9 - Rousseau |
| Conf. Screen | In addition petitioner request reimbursement of costs totaling \$435.00 for the filing fee. | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | Services are itemized by date and include review of documents, visits with client, and court appearances. | |
| CI Report | | |
| 9202 | | |
| ✓ Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |

4. Fee request includes 2.40 hours (\$588.00) for Petitioner to travel to and from court. Local Rule 7.17B.5. states travel to and from court is considered to be cost of doing business and is not reimbursable.
5. Order does not comply with Local Rule 7.6B – No riders or exhibits may be attached to the order. (Note: Order includes all the billing statements as an attachment when it should include the request for fees in a narrative format.)

(1) First and Final Account and Report of Personal Representative and Petition for Its Settlement; (2) for Allowance of Compensation to Personal Representative and Attorneys for Ordinary Services and (3) for Final Distribution

| | | | |
|-------------------------------------|----------------------|--|---|
| DOD: 02/20/14 | | PAUL E. QUINN , Executor, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: 1. The Order does not specify the dollar amount to be distributed as required per Local Rule 7.6.1A. Need revised Order. 2. The Petition does not address distribution of the non-cash asset of the estate (account receivable from Marya Barefoot in the amount of \$12,500.00). |
| | | Account period: 02/20/14 – 09/30/14 | |
| | | Accounting - \$217,953.38 | |
| | | Beginning POH - \$217,459.71 | |
| | | Ending POH - \$210,953.38 | |
| Cont. from | | (\$198,453.38 is cash) | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input checked="" type="checkbox"/> | Inventory | | |
| <input checked="" type="checkbox"/> | PTC | | |
| <input checked="" type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | | |
| <input checked="" type="checkbox"/> | Aff.Mail | w/ | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | 05/27/14 | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input checked="" type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input checked="" type="checkbox"/> | FTB Notice | | |
| | | <p>Executor - \$7,219.07 (statutory)</p> <p>Attorney - \$7,219.07 max (statutory) (Per agreement, attorney to be paid for services rendered at an agreed upon rate not to exceed the statutory fee of \$7,219.07)</p> <p>Costs - \$895.50 (filing fees, certified letters)</p> <p>Distribution, pursuant to decedent's will, is to:</p> <p>Paul E. Quinn, Trustee of the Eulalie H. Schoemaker Survivor's Trust – \$183,119.74 cash</p> | |
| | | | Reviewed by: JF |
| | | | Reviewed on: 12/05/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 10 – Schoemaker |

Amended Petition for Letters of Administration (Prob. C. 8002, 10450)

| | | | |
|---|---|----|---|
| DOD: 12/13/2013 | DEARIL WHITE , son is petitioner and requests appointment as Administrator without bond. | | NEEDS/PROBLEMS/COMMENTS: <u>Note: If the petition is granted status hearings will be set as follows:</u> • Thursday, 04/09/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Thursday, 02/11/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required. |
| | All heirs waive bond | | |
| | Full IAEA – o.k. | | |
| Cont. from 100214, 102214, 111314 | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | w/ | |
| ✓ | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| Estimated value of the Estate: Personal property - \$3,000.00 Real property - \$250,000.00 Total - \$253,000.00 Probate Referee: Rick Smith | | | Reviewed by: LV Reviewed on: 12/05/2014 Updates: 12/09/2014 Recommendation: Submitted File 11 - White |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|--|----------------------|--|--|
| Age: Age:18 DOB: 10/14/1996 | | MARLON OMAR AYALA ORELLANA , proposed ward, is petitioner and requests RAUL AYALA ALVARENGA be appointed as guardian of the person. | NEEDS/PROBLEMS/COMMENTS: The proposed ward attained the age 18 on 10/14/14. Probate Code §1600(a) states a guardianship of the person and estate terminates with the ward attains the age of 18. Therefore it appears that the court cannot grant a guardianship. |
| | | | |
| | | | |
| | | | |
| | | | |
| Cont. from | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg | | |
| <input type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| | | | |
| | | Reviewed on: 12/5/14 | |
| | | Updates: | |
| | | Recommendation: | |
| | | File 12 – Orellana | |

| | | | |
|-------------------------------------|----------------------|--|---------------------------------|
| Bonnie DOD: 05/17/12 | | PABLO ALEMAN , Settlor, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | Petitioner states: | |
| | | | |
| Cont. from | | 1. PABLO ALEMAN and BONNIE ALEMAN , husband and wife, established the PABLO ALEMAN AND BONNIE JEAN ALEMAN LIVING TRUST dated April 25, 2003 (the "Trust"). Pablo and Bonnie had two children, Lisa Padilla and Paul Aleman. Lisa and Paul are the contingent beneficiaries of the Trust. | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | 2. Bonnie died 05/17/12 and Pablo is now the sole surviving trustee. Upon the death of the first settlor, the Trust was to divide into as many as 3 subtrusts: the Survivor's Trust, Marital Trust, and Bypass Trust. | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | a. The Survivor's Trust was to be funded with the surviving settlor's separate property, if any, and community one-half share of the trust estate. The Survivor's Trust was to remain revocable and amendable during the surviving settlor's lifetime with mandatory distributions of income to the surviving settlor and discretionary distributions of principal. Upon the surviving settlor's death, the remainder of property in the Survivor's Trust was to be apportioned into two sub-trusts if necessary for generation skipping transfer tax purpose. | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input checked="" type="checkbox"/> | Notice of Hrg | b. The Marital Trust was to be funded with the balance of the trust estate not made a part of the Survivor's Trust or Bypass Trust. | |
| <input checked="" type="checkbox"/> | Aff.Mail | | |
| <input type="checkbox"/> | Aff.Pub. | c. The Bypass Trust was to be funded with the maximum fractional portion of the deceased settlor's separate (if any) and community ½ share of the trust estate that could be allocated to it without increasing the federal estate tax on the estate of the deceased settlor. Net income of the Bypass Trust was to be distributed to the surviving settlor for and during his or her lifetime and the principal of the Bypass Trust could be invaded by the trustee for the benefit of the surviving settlor's health and support. | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | | |
| <input type="checkbox"/> | Conf. Screen | | |
| <input type="checkbox"/> | Letters | | |
| <input type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input type="checkbox"/> | CI Report | | |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |

Continued on Page 2

3. Given the recentness of Bonnie's death, Petitioner has not administered the Trust or created or funded the sub-trusts. In 2003, when the Trust was created, the exclusion amount for gift and estate transfers was \$1,000,000.00 and Pablo and Bonnie's estate exceeded that amount. Thus, had they not structured their Trust in 2003 as they did, the estate may have been subject to a significant estate tax bill on their deaths. Creating the sub-trusts was therefore prudent at that time. However, in 2010 the federal government enacted a law authorizing personal representatives of decedent's dying after 01/01/11 to elect to transfer any unused estate tax exemption amount to the surviving spouse, in a concept known as portability. This makes the creation of a bypass trust no longer necessary for estate tax planning. The American Taxpayer Relief Act of 2012 made portability permanent and also permanently increased the estate and gift tax exemption to \$5,000,000.00, indexed for inflation. Pablo has filed a federal estate tax return porting Bonnie's unused exemption to himself.
4. In light of the increase exemption and the portability of the estate tax exemption, the creation of sub-trusts is no longer necessary to minimize estate taxes for Pablo and Bonnie. In fact, the sub-trusts will likely actually make the family worse off from an income tax standpoint. Elimination of the sub-trusts will significantly reduce administrative costs for Petitioner and will preserve more of the trust estate for Pablo and future beneficiaries.
5. Pablo and Bonnie discussed simplifying their estate plan with their attorney before Bonnie's death and an amendment to the Trust was drafted. Unfortunately, Bonnie took a sudden turn for the worse and died much sooner than anticipated, before the amendment could be signed. Petitioner requests that the Court grant relief from the requirement that the Trust be divided into the Sub-Trusts and instead be amended.
6. The only persons potentially negatively impacted by the revisions are the settlor's children (Paul and Lisa) and their issue. Under the current plan, assets passed to the Bypass Trust are irrevocably assigned to Paul and Lisa and Pablo would not be able to modify this except through a valid exercise of his special power of appointment over the Bypass Trust, in which case he could actually eliminate Paul and Lisa completely as beneficiaries in favor of a charity. Paul and Lisa's interests are identical to that of their issue. Pablo has no intention of changing the disposition of the Trust, he only wants to amend the Trust to simplify it and save money. Paul and Lisa have signed consents to the proposed amendment to the Trust. **(See *Petition for proposed Amendments*).**
7. The contemplated division of the Trust was based on gift, estate and generation skipping transfer tax laws that, when the Trust was created, would have resulted in a significant transfer tax liability. Pablo and Bonnie did anticipate the subsequent changes to the tax laws after they met with their attorney and put a plan in place to simplify their trust, however, Bonnie's unexpected death occurred before the plan could be finalized. To require administration under the contemplated tax planning approach would impair the tax-conscious administration of the Trust and cause Petitioner to incur significant administrative expenses. That result can be avoided and substantial income tax savings can be attained for future generations, if the Court grants the Petition.

Petitioner prays for an Order approving the proposed modification of the Trust as described in the Petition.

| | | | |
|---------------------|----------------------|---|---|
| DOD: 7-21-14 | | KATHLEEN ANN LYNN , Daughter and Named Executor without bond, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | Full IAEA – ok | Note: If the petition is granted, status hearings will be set as follows: |
| | | | |
| ✓ | Aff.Sub.Wit. | Will dated 5-2-08 | Thursday, 4-23-15 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. |
| ✓ | Verified | | |
| | Inventory | Residence: Clovis | <ul style="list-style-type: none"> Thursday 4-21-16 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. |
| | PTC | Publication: Fresno Business Journal | |
| | Not.Cred. | Estimated Value of Estate: | Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. |
| ✓ | Notice of Hrg | Real property: \$95,000.00 (\$165,000 with a \$70,000.00 encumbrance) | |
| ✓ | Aff.Mail | Probate Referee: Rick Smith | |
| ✓ | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | | |
| | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | | Reviewed by: skc |
| | | | Reviewed on: 12-5-14 |
| | | | Updates: |
| | | | Recommendation: SUBMITTED |
| | | | File 14 – Ball |

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|----------------------|--|--|-------------------------|-----------------------------|-----------------|------------------------|-----------------------------|--|------------------|--|--|------------|--|--|------------------|--|---|----------------------|--|---|-----------------|---|--|-----------------|--|--|----------------|--|--|-------------------|--|--|---------------------|--|--|----------------|--|--|--------------------|--|--|-------------------|--|--|----------------------|--|--|------------------|--|--|-------------|--|---|--------------|--|--|---------------------|--|--|-------------------|--|--|---------------|--|--|-----------------|--|--|-------------------|--|
| Thelma A. Wooldridge DOD: 8-22-14 | | BERNARD F. WOOLDRIDGE, JR. , presently acting Trustee, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <table border="1"> <tr><td></td><td>Aff.Sub.Wit.</td><td></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td></td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table> | | | | Aff.Sub.Wit. | | ✓ | Verified | | | Inventory | | | PTC | | | Not.Cred. | | ✓ | Notice of Hrg | | ✓ | Aff.Mail | W | | Aff.Pub. | | | Sp.Ntc. | | | Pers.Serv. | | | Conf. Screen | | | Letters | | | Duties/Supp | | | Objections | | | Video Receipt | | | CI Report | | | 9202 | | ✓ | Order | | | Aff. Posting | | | Status Rpt | | | UCCJEA | | | Citation | | | FTB Notice | |
| | Aff.Sub.Wit. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Verified | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Inventory | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | PTC | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Not.Cred. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Notice of Hrg | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Aff.Mail | W | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Aff.Pub. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sp.Ntc. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Pers.Serv. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Conf. Screen | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Letters | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Duties/Supp | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Objections | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Video Receipt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | CI Report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9202 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ✓ | Order | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Aff. Posting | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Status Rpt | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | UCCJEA | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Citation | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | FTB Notice | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | <table border="1"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 12-5-14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 15 – Wooldridge</td></tr> </table> | Reviewed by: skc | Reviewed on: 12-5-14 | Updates: | Recommendation: | File 15 – Wooldridge | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reviewed by: skc | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Reviewed on: 12-5-14 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| File 15 – Wooldridge | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

16

Ex Parte Petition for Termination of Guardianship

| | | | |
|---|---------------|--|--|
| | | LACRISHA PHEA , Mother, is Petitioner. | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | KAREN R. BRYANT (PARKER) , Nonrelative ("Godmother") was appointed Guardian on 8-23-01. | <p><u>Note:</u> This petition was originally filed for <u>ex parte</u> review; however, the Court set for the matter for hearing per Order 11-13-14, and the Petitioner was ordered to serve notice on interested parties. A copy of the order was mailed to Petitioner on 11-13-14.</p> |
| | | | |
| | | Father: CRAIG KELLEY, SR. (Deceased) | <p>1. Need Notice of Hearing.</p> |
| | | | |
| | Aff.Sub.Wit. | | <p>2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(5) or consent and waiver of notice or declaration of due diligence on:</p> <ul style="list-style-type: none"> - Karen R. Bryant (Guardian) - Craig Kelley Jr. (Minor) - Paternal Grandfather - Maternal Grandfather - Maternal Grandmother - All siblings age 12 and older |
| ✓ | Verified | | |
| | Inventory | | <p>Paternal Grandfather: Roosevelt Hedrington Paternal Grandmother: Lillie Mae Kelley (Deceased)</p> |
| | PTC | | |
| | Not.Cred. | | <p>Maternal Grandfather: Jimmy Phea Maternal Grandmother: Valerie Evans</p> |
| | Notice of Hrg | x | |
| | Aff.Mail | | <p>Siblings: LaTori Phea, Jasmine Bowen, Paris Bowen, Christopher Golden, Nyja, Riahna</p> |
| | Aff.Pub. | | |
| | Sp.Ntc. | | <p>Petitioner states her son states ongoing abuse in the home occurring at the hands of the guardian's husband. He slaps and hits child. Also mental abuse. The minor has also been witness to the Guardian being abused in front of him and threatened with a gun. He says since the guardian's husband has been in the home he has been abused and kept in unsafe conditions meaning the house is always dirty. Petitioner states CPS came to her home while the minor was in her care and a lot of things were stated and he has stressed the abuse and said he would like to be home with his family. He has six other siblings and should be at home with them. Petitioner states she is heartbroken and wants the best for her child. The guardian has failed to protect him and Petitioner can't live with herself knowing he is being treated this way.</p> |
| | Pers.Serv. | | |
| | Conf. Screen | | <p>Court Investigator Julie Negrete filed a report on 12-2-14.</p> |
| | Letters | | |
| | Duties/Supp | | <p>Reviewed by: skc</p> |
| | Objections | | |
| | Video Receipt | | <p>Reviewed on: 12-5-14</p> |
| | CI Report | | |
| | 9202 | | <p>Updates:</p> |
| ✓ | Order | | |
| | Aff. Posting | | <p>Recommendation:</p> |
| | Status Rpt | | |
| | UCCJEA | | <p>File 17 – Kelley</p> |
| | Citation | | |
| | FTB Notice | | |

19A Anthony Daniel Barraza (GUARD/P)**Case No. 14CEPR00565****Atty Ortega, Alvina E (Pro Per – Cousin – Petitioner)****Atty Barraza, Cosme Guadalupe (Pro Per – Paternal Grandfather)****Atty Aguirre, Maria (Pro Per – Paternal Grandmother)****Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

| | | | |
|-------------------------------------|----------------------|--|---|
| Age: 11 months | | <u>TEMPORARY EXPIRES 12/11/2014</u> | NEEDS/PROBLEMS/COMMENTS: |
| DOB: 11-9-13 | | | |
| | | | |
| | | | |
| | | | |
| Cont. from 092314, 102714 | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> | Verified | | |
| <input type="checkbox"/> | Inventory | | |
| <input type="checkbox"/> | PTC | | |
| <input type="checkbox"/> | Not.Cred. | | |
| <input type="checkbox"/> | Notice of Hrg | <input checked="" type="checkbox"/> | <p>19B is the competing temporary petition filed by the paternal grandparents, Cosme Barraza and Maria Aguirre.</p> <p>Minute Order of 09/23/2014 (Judge Vogt): The child has lived in Fresno County his entire life. Petitioner will file consents and proof of service.</p> <p>The following issues remain:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least fifteen (15) court days prior to the hearing or consent and waiver of notice or declaration of due diligence on: <ul style="list-style-type: none"> - Cosme Barraza, Jr. (Father) - Salina Ortega (Mother) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> - Cosme Barraza (Paternal Grandfather) - Maria Aguirre (Paternal Grandmother) - Inocencio Ortega (Maternal Grandfather) - Stacey Ortega (Maternal Grandmother) 4. Need UCCJEA Form GC-120, which provides the child's residence history and other information about the child (other cases, etc.). |
| <input checked="" type="checkbox"/> | Aff.Mail | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> | Aff.Pub. | | |
| <input type="checkbox"/> | Sp.Ntc. | | |
| <input type="checkbox"/> | Pers.Serv. | <input checked="" type="checkbox"/> | |
| <input checked="" type="checkbox"/> | Conf. Screen | | |
| <input checked="" type="checkbox"/> | Letters | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | |
| <input type="checkbox"/> | Objections | | |
| <input type="checkbox"/> | Video Receipt | | |
| <input checked="" type="checkbox"/> | CI Report | | <p>ALVINA E. ORTEGA, Cousin, is Petitioner.</p> <p>Father: COSME BARRAZA, JR.</p> <p>Mother: SALINA ORTEGA</p> <p>Paternal Grandfather: Not listed</p> <p>Paternal Grandmother: Not listed</p> <p>Maternal Grandfather: Inocencio Ortega</p> <p>Maternal Grandmother: Stacey Ortega</p> <p>Petitioner states the mother is unstable, on drugs and alcohol. Petitioner has had the child since birth off and on for weeks at a time. When the mother does come, all she does is sleep and not ever acknowledge the child. He is not safe with her. She is not in her right state of mind.</p> <p>Court Investigator Jennifer Daniel's report filed 09/05/2014.</p> <p>Court Investigator Jennifer Daniel's report filed 12/05/2014.</p> |
| <input type="checkbox"/> | 9202 | | |
| <input checked="" type="checkbox"/> | Order | | |
| <input type="checkbox"/> | Aff. Posting | | |
| <input type="checkbox"/> | Status Rpt | | |
| <input type="checkbox"/> | UCCJEA | <input checked="" type="checkbox"/> | |
| <input type="checkbox"/> | Citation | | |
| <input type="checkbox"/> | FTB Notice | | |
| Reviewed by: LV | | | |
| Reviewed on: 12/05/2014 | | | |
| Updates: | | | |
| Recommendation: | | | |
| File 19 A- Barraza | | | |

19A

19B Anthony Daniel Barraza (GUARD/P)
Atty Ortega, Alvina E (Pro Per – Cousin/Temporary Guardian)
Atty Barraza, Cosme Guadalupe (Pro Per – Petitioner – Paternal Grandfather)
Atty Aguirre, Maria Beatriz (Pro Per – Petitioner – Paternal Grandmother)

Case No. 14CEPR00565

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | | |
|-------------------------------------|----------------------|---|--|--|
| Age: 11 months | | <u>Temporary Denied on 10/27/2014</u> | | NEEDS/PROBLEMS/COMMENTS: |
| | | <u>General Hearing 12/11/2014</u> | | |
| | | COSME GUADALUPE BARRAZA, and MARIA BEATRIZ AGUIRRE , paternal grandparents, are petitioners. | | <ol style="list-style-type: none"> Need Notice of Hearing. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Cosme Barraza, Jr. (Father) Salina Ortega (Mother) Alvina E. Ortega (Temporary Guardian) Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> Inocencio Ortega (Maternal Grandfather) Statcey Ortega (Maternal Grandmother) Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with page #5 attached. |
| Cont. from | | ALVINA E. ORTEGA , Cousin, was appointed temporary guardian on 09/23/2014. | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | Father: COSME BARRAZA, JR. | | |
| <input type="checkbox"/> | Inventory | Mother: SALINA ORTEGA | | |
| <input type="checkbox"/> | PTC | Maternal Grandfather: Inocencio Ortega | | |
| <input type="checkbox"/> | Not.Cred. | Maternal Grandmother: Stacey Ortega | | |
| <input type="checkbox"/> | Notice of Hrg | <input checked="" type="checkbox"/> | | |
| <input type="checkbox"/> | Aff.Mail | <input checked="" type="checkbox"/> | | |
| <input type="checkbox"/> | Aff.Pub. | Petitioners state: it is necessary and convenient for the child to be with his parents. | | |
| <input type="checkbox"/> | Sp.Ntc. | Court Investigator Jennifer Daniel's report filed 12/05/2014. | | |
| <input checked="" type="checkbox"/> | Pers.Serv. | <input checked="" type="checkbox"/> | | |
| <input checked="" type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input checked="" type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | | | Reviewed by: LV |
| | | | | Reviewed on: 12/05/2014 |
| | | | | Updates: |
| | | | | Recommendation: |
| | | | | File 19B – Barraza |

19B

Amended Spousal Property Petition

| | | | | |
|--------------------------|----------------------|---|---|----|
| DOD: 4/28/14 | | <p>MEE YANG, surviving spouse, is petitioner.</p> <p>No other proceedings Decedent died intestate.</p> <p>Petitioner states she and the decedent were married in Laos in 1975.</p> <p>The property was acquired in February 2013. It was their intent to hold the property in joint tenancy as husband and wife. However due to Petitioner not having credit they were advised by the escrow company that they could only proceed with the name of the loan applicant, therefore only Decedent's name was on the grant deed.</p> <p>Petitioner requests court confirmation that the ½ interest in the real property is determined to have passed to her and ½ interest belongs to her.</p> | <p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> #5a(2) of the petition was not answered re: issue of a predeceased child. #5b of the petition was not answered re: whether or not the decedent is survived by stepchild/foster child who would have been adopted but for a legal barrier. Petition does not state whether or not the property was purchased using community asset or separate asset funds. Order is blank. Order must be completed by the petitioner. | |
| | | | | |
| | | | | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| ✓ | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| ✓ | Notice of Hrg | | | |
| ✓ | Aff.Mail | | | W/ |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | |
| <input type="checkbox"/> | Conf. Screen | | | |
| <input type="checkbox"/> | Letters | | | |
| <input type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| ✓ | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |
| | | <p>Reviewed by: KT</p> <p>Reviewed on: 12/8/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 20 – Her</p> | | |

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|--|---------------|----------------------------|--------------------------|
| Age: 13 years | | Temporary Expires 12/11/14 | NEEDS/PROBLEMS/COMMENTS: |
| | | | |
| | | | |
| | | | |
| Cont. from 110614 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| | Aff.Mail | X | |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| | Pers.Serv. | X | |
| ✓ | Conf. Screen | | |
| ✓ | Letters | | |
| ✓ | Duties/Supp | | |
| | Objections | | |
| | Video Receipt | | |
| ✓ | DSS Report | | |
| | 9202 | | |
| ✓ | Order | | |
| | Aff. Posting | | |
| | Status Rpt | | |
| ✓ | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| <p>FIDEL GONZALEZ, biological father whose parental rights were terminated by adoption, is Petitioner.</p> <p>Father: NONE (there is no adoptive father)</p> <p>Mother: NAOMI SANCHEZ MORENO; <i>consents and waives notice.</i></p> <p>Paternal grandfather: <i>Deceased</i> Paternal grandmother: Gloria Lopez – <i>consents and waives notice.</i></p> <p>Maternal grandfather: <i>Deceased</i> Maternal grandmother: <i>Deceased</i></p> <p>Petitioner states the adoptive mother has some health issues and needs help with caring for the child. Petitioner states he is the child's biological father and the child has known Petitioner all his life, and Petitioner thinks it would be in the child's best interest to live in Petitioner's home, and he will go to school and to church with his family.</p> <p>DSS Social Worker, Irma Ramirez's Report filed on 10/28/14.</p> | | | |
| | | | Reviewed by: KT |
| | | | Reviewed on: 12/5/14 |
| | | | Updates: |
| | | | Recommendation: |
| | | | File 21 – Moreno |

Pro Per Carr, Theresa D. (Pro Per Petitioner, paternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

| | | | |
|-------------------|-----|--|--|
| Ryan Age: 6 yrs | | TEMPORARY GRANTED ON THE COURT'S OWN MOTION EXPIRES 12/11/2014 THERESA D. CARR , paternal grandmother, is Petitioner. Father: AARON J. HALL , <i>incarcerated; consents and waives notice.</i> Mother: AMANDA M. HAVEN ; <i>consents and waives notice.</i> Paternal grandfather: Randy Aaron Hall Maternal grandfather: Unknown Maternal grandmother: Unknown Petitioner states the parents are unable to provide a safe and stable living environment for the children, the children's healthcare issues have been neglected, and their nutrition is suffering per the doctors that have treated them. Petitioner states the children have lived in 19 different residences in the past 5 years, and each time they move, the children's belongings are left behind including clothing, furniture and toys. Petitioner states she has helped with a deposit on 3 places and each time they do not stay longer than a month or two. Petitioner states the mother receives public assistance and misuses the funds and the food stamp benefits are not always used for food for the children. Petitioner feels it is in the best interest of the children to reside with her. Court Investigator Jennifer Daniel's Report was filed on 10/30/2014. | NEEDS/PROBLEMS/COMMENTS: <u>Continued from 11/6/2014.</u> <i>Minute Order</i> states temporary orders are to issue forthwith to Theresa Carr until 12/11/2014. Examiner notes provided in open court; matter continued to allow time to cure defects. The following issue from the last hearing remains: 1. Need <i>Notice of Hearing</i> and proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian</i> , or <i>Consent to Appointment of Guardian and Waiver of Notice</i> , or a <i>Declaration of Due Diligence</i> , for: <ul style="list-style-type: none"> • Randy A. Hall, paternal grandfather; • maternal grandparents. |
| Randii Age: 5 yrs | | | |
| Cont. from 110614 | | | |
| Aff.Sub.Wit. | | | |
| ✓ Verified | | | |
| Inventory | | | |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | X | | |
| Aff.Mail | X | | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | N/A | | |
| ✓ Conf. Screen | | | |
| ✓ Letters | | | |
| ✓ Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| ✓ CI Report | | | |
| ✓ Clearances | | | |
| ✓ Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| ✓ UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |

| |
|----------------------|
| Reviewed by: LEG |
| Reviewed on: 12/4/14 |
| Updates: |
| Recommendation: |
| File 22 – Hall |

Pro Per Espinosa, Charles (Pro Per Petitioner, paternal grandfather)

Pro Per Espinosa, Ersilia (Pro Per Petitioner, paternal grandmother)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

| | | | |
|-------------------|---|---|---|
| Age: 2 years | | TEMPORARY GRANTED AT HEARING ON 11/6/2014 EXPIRES ON 12/11/2014 <u>General Hearing set for 1/8/2015</u> | NEEDS/PROBLEMS/COMMENTS: <u>Continued from 11/6/2014.</u> Minute Order states examiner notes provided in open court; matter continued to allow time to cure defects. The Court finds due diligence as to Stephanie Ruiz, mother. Order to be signed upon payment of the filing fees. [Court records show fees paid on 11/6/2014.] The following issue from the last hearing remains: 1. Need Notice of Hearing and proof of five (5) court days' notice by personal service of the Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian, or Consent to Appointment of Guardian and Waiver of Notice, for: <ul style="list-style-type: none"> Eric F. Espinosa, father. |
| Cont. from 110614 | | | |
| Aff.Sub.Wit. | | | |
| ✓ Verified | | | |
| Inventory | | CHARLES ESPINOSA and ERSILIA ESPINOSA , paternal grandparents, are Petitioners. Father: ERIC F. ESPINOSA ; <i>incarcerated</i> ; Mother: STEPHANIE RUIZ ; <i>Declaration of Due Diligence filed 10/27/2014. Court found due diligence on 11/6/2014.</i> Maternal grandfather: <i>Not listed</i> Maternal grandmother: <i>Not listed</i> | Review by: LEG Reviewed on: 12/4/14 Updates: Recommendation: File 23 – Espinosa |
| PTC | | | |
| Not.Cred. | | | |
| Notice of Hrg | X | | |
| Aff.Mail | | Petitioners state the mother is nowhere to be found and she left the child in their care and is no longer in the child's life. Petitioners state the father is currently serving a jail sentence and will not be out until late 2015. Petitioners state the child has been in their care for over a year and they want to provide him with a stable home and raise him in the family rather than have him placed in foster care. | |
| Aff.Pub. | | | |
| Sp.Ntc. | | | |
| Pers.Serv. | X | | |
| ✓ Conf. Screen | | | |
| ✓ Letters | | | |
| ✓ Duties/Supp | | | |
| Objections | | | |
| Video Receipt | | | |
| CI Report | | | |
| 9202 | | | |
| ✓ Order | | | |
| Aff. Posting | | | |
| Status Rpt | | | |
| ✓ UCCJEA | | | |
| Citation | | | |
| FTB Notice | | | |

24 Beauty Deminson, Chozin Deminson & Asante Tucker (GUARD/P)

Case No. 14CEPR01073

Atty Davis, Derrell (pro per Petitioner/maternal grandfather)

Atty Davis, Yvonne (pro per Petitioner/maternal grandmother)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

| | | | | |
|-------------------------------------|----------------------|--|--|---|
| Beauty age: 1 | | GENERAL HEARING 1/28/2015 YVONNE DAVIS , maternal grandmother and DERRELL DAVIS , maternal grandfather, are petitioners. Father (Beauty & Chozin): ROBERT DEMINSON III Father (Asante): ASANTE TUCKER - Deceased Mother: QUIANA DEMINSON – <i>consents and waives notice.</i> Paternal grandparents (Beauty & Chozin): Unknown Paternal grandparents (Asante): Unknown Petitioners state the children's mother is currently unavailable to care for the children. Child Protective Services made a safety plan where Petitioners were to take guardianship. | NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of personal service of the Notice of Hearing along with a copy of the temporary petition or consent and waiver of notice or declaration of due diligence on: a. Robert Deminson III – father of Beauty and Chozin. 3. UCCJEA is incomplete. It lists the addresses prior to residing with the petitioners (6/9/11 – 5/1/14) as unknown. | |
| Chozin age: 6 | | | | |
| Asante age: 11 | | | | |
| Cont. from | | | | |
| <input type="checkbox"/> | Aff.Sub.Wit. | | | |
| <input checked="" type="checkbox"/> | Verified | | | |
| <input type="checkbox"/> | Inventory | | | |
| <input type="checkbox"/> | PTC | | | |
| <input type="checkbox"/> | Not.Cred. | | | |
| <input type="checkbox"/> | Notice of Hrg | | | X |
| <input type="checkbox"/> | Aff.Mail | | | |
| <input type="checkbox"/> | Aff.Pub. | | | |
| <input type="checkbox"/> | Sp.Ntc. | | | |
| <input type="checkbox"/> | Pers.Serv. | | | X |
| <input checked="" type="checkbox"/> | Conf. Screen | | | |
| <input checked="" type="checkbox"/> | Letters | | | |
| <input checked="" type="checkbox"/> | Duties/Supp | | | |
| <input type="checkbox"/> | Objections | | | |
| <input type="checkbox"/> | Video Receipt | | | |
| <input type="checkbox"/> | CI Report | | | |
| <input type="checkbox"/> | 9202 | | | |
| <input checked="" type="checkbox"/> | Order | | | |
| <input type="checkbox"/> | Aff. Posting | | | |
| <input type="checkbox"/> | Status Rpt | | | |
| <input checked="" type="checkbox"/> | UCCJEA | | | |
| <input type="checkbox"/> | Citation | | | |
| <input type="checkbox"/> | FTB Notice | | | |

| |
|--|
| Reviewed by: KT |
| Reviewed on: 12/8/14 |
| Updates: |
| Recommendation: |
| File 24 - Deminson & Tucker |

25A Henry and Margaret Boyajian (Trust)

Case No. 14CEPR00145

Atty Pruett, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)

Atty Camenson, David M. (for Margaret Courtis – Objector)

Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

**Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust
and for Instructions, Probate Status Hearing Re: New Petition**

| | | | |
|--|---------------|--|--|
| Henry Boyajian DOD: 10-18-01 | | PHYLLIS BRANCHE , daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner. Petitioner states Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows: 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian; 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and 3) The remainder to Petitioner and Margaret Courtis in equal shares. SEE ADDITIONAL PAGES | NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 7-16-14:</u> Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only. <u>Status Report filed 8-7-14 by Attorney Burnside</u> states the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August. <u>Minute Order 8-13-14:</u> Attorney Burnside reports that a new petition will be filed. <u>Note: Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts filed 9-15-14 is Page 6B of this calendar.</u> <u>If this petition at 6A goes forward, the following issues may need to be addressed:</u> <ol style="list-style-type: none"> Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <u>entitled to notice</u>. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition. <u>Note: Respondent Jeffrey Boyajian provided a copy of the Third Amendment only.</u> Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis. |
| Margaret Boyajian DOD: 10-29-13 | | | |
| Cont: 041014, 071614, 081314, 091714, 101414, 111314, 120114, 120814 | | | |
| | Aff.Sub.Wit. | | |
| ✓ | Verified | | |
| | Inventory | | |
| | PTC | | |
| | Not.Cred. | | |
| ✓ | Notice of Hrg | | |
| ✓ | Aff.Mail | | W |
| | Aff.Pub. | | |
| | Sp.Ntc. | | |
| ✓ | Pers.Serv. | | W |
| | Conf. Screen | | |
| | Letters | | |
| | Duties/Supp | | |
| ✓ | Objections | | |
| | Video Receipt | | |
| | CI Report | | |
| | 9202 | | |
| | Order | X | |
| | Aff. Posting | | |
| | Status Rpt | | |
| | UCCJEA | | |
| | Citation | | |
| | FTB Notice | | |
| | | Reviewed by: skc Reviewed on: 12-9-14 Updates: Recommendation: File 25A – Boyajian | |

Page 2

Petitioner states on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
 - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Curtis, and Jeffrey Boyajian, and
 - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Curtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Curtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Curtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Curtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code § 100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

SEE ADDITIONAL PAGES

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

Petitioner prays for an order as follows:

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

Maggie Courtis' Objection states the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Bypass Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

No-contest clause: Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

Objector prays for an order that:

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

SEE ADDITIONAL PAGES

Jeffrey Boyajian's Response states Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

Respondent states he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.

Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.

Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.

Update: Petitioner filed a new Petition for Order Approving Stipulation for Settlement, etc., which is Page B of this calendar.

25B Henry and Margaret Boyajian (Trust)
Atty Pruet, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)
Atty Camenson, David M. (for Margaret Courtis – Objector)
Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

Case No. 14CEPR00145

Petition for Order Approving Stipulation for Settlement; for Appointment of Successor Trustee of Bypass Trust (Trust B); and for Order Modifying Terms of Irrevocable Trusts

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| Henry Boyajian DOD: 10-18-01 | PHYLLIS BRANCHE , daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner. Petitioner states the parties participated in mediation with Attorney William H. Coleman. Petitioner was represented by Barry W. Pruet, Respondent was represented by Leigh W. Burnside and Jeffrey L. Wall, Maggie was represented by David M. Camenson, and Andrew, Cody, and Alan were present with their mother, Petitioner, and her counsel. The parties entered into a written settlement agreement at conclusion of the mediation. See Attachment A. The material terms include: <ul style="list-style-type: none">• A professional fiduciary will be appointed successor trustee of the bypass trust and of the individual trusts to be established thereunder for Andrew, Cody, and Alan;• Funding and administration details of Andrew's, Cody's, and Alan's trusts;• Petitioner shall keep proceeds on hand in decedent Margaret Boyajian's Bank of America account xx2342;• Petitioner shall cooperate to turn over to Respondent, in his capacity as sole trustee of the survivor's trust, the balance of Bank of America account xx0920;• Respondent will not enforce any debts or other obligations owed, or alleged to be owed, by Petitioner, Maggie, Andrew, Cody, or Alan to Margaret Boyajian or to her Survivor's Trust;• Petitioner, Maggie, Cody, and Alan waive any and all accountings of the Survivor's and Bypass trusts;• Respondent to receive certain real property in Selma free and clear of trust pursuant to the terms of the Restated Trust Agreement and Second Amendment dated 8-18-08;• Distribution of tangible personal property; and• Other stipulations. | NEEDS/PROBLEMS/COMMENTS: Note: Page 9 of the Petition is missing from the filed document. 1. Need order. |
| Margaret Boyajian DOD: 10-29-13 | | |
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| Cont. from 101414, 111314, 120114, 120814 | | |
| <input type="checkbox"/> Aff.Sub.Wit. | | |
| <input checked="" type="checkbox"/> Verified | | |
| <input type="checkbox"/> Inventory | | |
| <input type="checkbox"/> PTC | | |
| <input type="checkbox"/> Not.Cred. | | |
| <input checked="" type="checkbox"/> Notice of Hrg | | |
| <input checked="" type="checkbox"/> Aff.Mail w | | |
| <input type="checkbox"/> Aff.Pub. | | |
| <input type="checkbox"/> Sp.Ntc. | | |
| <input type="checkbox"/> Pers.Serv. | | |
| <input type="checkbox"/> Conf. Screen | | |
| <input type="checkbox"/> Letters | | |
| <input type="checkbox"/> Duties/Supp | | |
| <input checked="" type="checkbox"/> Objections | | |
| <input type="checkbox"/> Video Receipt | | |
| <input type="checkbox"/> CI Report | | |
| <input type="checkbox"/> 9202 | | |
| <input type="checkbox"/> Order x | | |
| <input type="checkbox"/> Aff. Posting | | |
| <input type="checkbox"/> Status Rpt | | |
| <input type="checkbox"/> UCCJEA | | |
| <input type="checkbox"/> Citation | | |
| <input type="checkbox"/> FTB Notice | | |

SEE PAGE 2

25B

Petitioner also requests modification of irrevocable bypass trust, survivor's trust and grandchildren's trusts pursuant to §15403(a) as set forth in the petition.

Petitioner prays for an order:

1. Approving the written settlement agreement attached as Attachment A;
2. Accepting the declinations of Phyllis K. Branche and Margaret R. Courtis to serve as successor co-trustees of the bypass trust;
3. Accepting the declination of Phyllis K. Branche to serve as the trustee of the grandchildren's trust shares for her sons Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
4. Appointing Marion Austin as the sole successor trustee of the bypass trust created under the Restatement of the Henry and Margaret Boyajian Trust Agreement dated September 23, 1999;
5. Appointing Marion Austin as the sole trustee of the grandchildren's trusts for Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche;
6. Approving the modification of the irrevocable bypass trust and survivor's trust as set forth herein;
7. Ordering that the real property located in Selma is distributed to beneficiary Jeffrey L. Boyajian as his sole and separate property; and
8. Awarding any and all other relief as the Court deems just and proper.

Margaret Courtis' Response and Objections filed 10-3-14 states objections, but states that in the spirit of settling, she is willing to forego the issue of Petitioner receiving more than her "fair share" of the life insurance policy and forgive other transgressions. Ms. Courtis is generally in favor of an order approving the Stipulation for Settlement entered into by Petitioner, Courtis, Jeffrey Boyajian, Andrew Boyajian Branche, Cody Branche Boyajian, and Alan Boyajian Branche on 7-15-14 as set forth in the petition, but with a few clarifications. See Response specifically regarding:

- Bank of America Account Balance
- Current Income Distribution
- Personal Property Items
- Family Photographs

Ms. Courtis also states she is not opposed to the appointment of Marion Austin as the sole successor trustee to the bypass trust and as sole trustee of the trust shares to be established for Andrew, Cody, and Alan. Ms. Courtis would like to also include in the Court's order a provision that any successor trustee to Marion Martin (sic) must also be approved by Respondent, Courtis, and Petitioner, if living.

Ms. Courtis is not opposed to an order modifying the trusts as set forth in Petition Line 22, Page 10, through Line 24, Page 11.

Please see Response for the complete prayer for relief.

Jeffrey L. Boyajian, Successor Trustee, filed a Response on 10-8-14. Mr. Boyajian states he joins in the Response filed by Ms. Courtis and prays for an order approving the settlement, but with various modifications. See Response for the complete prayer for relief. (Note: Prayer mirrors Ms. Courtis' prayer.)

Petitioner Phyllis Branche filed a Response to Objection on 10-9-14. Ms. Branche indicates various disagreements with the statements in the responses, but also prays for an order approving the settlement agreement. See pleading for complete prayer for relief.

25C Henry and Margaret Boyajian (Trust)**Case No. 14CEPR00145****Atty Pruet, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)****Atty Camenson, David M. (for Margaret Courtis – Objector)****Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)****Status Hearing**

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| | | NEEDS/PROBLEMS/COMMENTS: At the continued hearing on 10-14-14 on Ms. Branche's Petition to Appoint Successor Trustee of Bypass Trust (Page A of this Calendar), the Court continued the matter to 11-13-14 and also set this separate status hearing. Please see Pages A and B for details. Status Report filed 11-24-14 by Attorney Leigh Burnside states that at the conclusion of the mediation, a written settlement agreement was signed. The agreement called for appointment of a neutral successor trustee. Considerable time passed, however, before Ms. Branche and her sons decided whom to nominate. Ultimately, they selected Ms. Marion Austin. In the meantime, the trustee learned from one of Ms. Branche's sons that she had written significant checks from the Bank of America account the day prior to mediation. The trustee's initial demand that she return the funds was rejected. Since that time, the parties have corresponded but have not been able to resolve the issue. As a result, both the trustee and Ms. Courtis objected to Ms. Branche's subsequent petition to approve the settlement agreement signed at mediation. Respondent requested the parties return to Mr. Coleman for further mediation, but Ms. Branche refused. Most recently, Ms. Branche, through her attorney Barry Pruet, communicated a settlement offer to Ms. Burnside and Mr. Camenson; however, the trustee has been on vacation; therefore, Ms. Burnside has not been able to discuss the offer with him. He is expected to return the week of Nov. 24. Minute order 12-8-14: Mr. Pruet states that he will talk to his client about signing the circulated stipulation this afternoon. As of 12-9-14, nothing further has been filed. |
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| Cont. from 111314, 120114, 120814 | | |
| Aff.Sub.Wit. | | |
| Verified | | |
| Inventory | | |
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| Notice of Hrg | | |
| Aff.Mail | | |
| Aff.Pub. | | |
| Sp.Ntc. | | |
| Pers.Serv. | | |
| Conf. Screen | | |
| Letters | | |
| Duties/Supp | | |
| Objections | | |
| Video Receipt | | |
| CI Report | | |
| 9202 | | |
| Order | | |
| Aff. Posting | | |
| Status Rpt | | |
| UCCJEA | | |
| Citation | | |
| FTB Notice | | |
| Reviewed by: skc | | |
| Reviewed on: 12-9-14 | | |
| Updates: | | |
| Recommendation: | | |
| File 25C – Boyajian | | |

25C